



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0476

Introduced 2/1/2007, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 140/7

from Ch. 116, par. 207

Creates the Safe Cosmetics Act. Provides that beginning January 1, 2008, the manufacturer of any cosmetic product subject to regulation by the federal Food and Drug Administration that is sold in this State shall provide the Department of Public Health with a complete and accurate list of its cosmetic products that, as of the date of submission, are sold in the State and that contain any ingredient that is a chemical identified as causing cancer or reproductive toxicity. Provides that the Department may conduct investigations of cosmetic products that contain chemicals identified as causing cancer or reproductive toxicity or other ingredients of concern in order to determine potential health effects of exposure to such ingredients and may refer its findings to the Attorney General and the federal Food and Drug Administration for possible enforcement action pursuant to the Act and the federal Food, Drug, and Cosmetic Act. Amends the Freedom of Information Act to exempt certain information submitted to the Department pursuant to the Safe Cosmetics Act concerning cosmetic ingredients considered to be a trade secret. Effective immediately.

LRB095 07298 RAS 27437 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Safe  
5 Cosmetics Act.

6 Section 5. Findings. The General Assembly finds each of the  
7 following:

8 (1) Independent testing in the United States and the  
9 European Union has determined that some cosmetic products  
10 contain substances known or suspected to cause cancer and  
11 reproductive toxicity that can harm the mother, fetus, and  
12 nursing children.

13 (2) Neither the federal Food and Drug Administration  
14 (FDA) nor the Department of Public Health require premarket  
15 safety testing, review, or approval of cosmetic products.  
16 According to the FDA, the regulatory requirements  
17 governing the sale of cosmetics are not as stringent as  
18 those that apply to other FDA-regulated products.

19 (3) Under the federal Food, Drug, and Cosmetic Act,  
20 cosmetics and their ingredients are not required to be  
21 approved before they are sold to the public and the FDA  
22 does not have the authority to require manufacturers to  
23 file health and safety data on cosmetic ingredients or to

1 order a recall of a dangerous cosmetic product.

2 (4) Under the Illinois Food, Drug and Cosmetic Act, the  
3 Department of Public Health has no authority to identify,  
4 review, or regulate ingredients in cosmetic products that  
5 may cause chronic health effects, such as cancer and  
6 reproductive toxicity.

7 (5) Cosmetic products are most heavily used by women of  
8 childbearing age, increasing the likelihood of exposing  
9 mothers, fetuses, and nursing children to substances that  
10 can cause cancer and reproductive toxicity.

11 (6) Beauty care workers, including cosmetologists and  
12 manicurists, are most exposed to the potentially harmful  
13 effects of carcinogens and reproductive toxins in  
14 cosmetics. The majority of cosmetologists and manicurists  
15 working in this State are women and minorities.

16 (7) Federal law exempts chemicals used as fragrances or  
17 flavoring from being identified as ingredients on the  
18 labels of cosmetic products. Federal law also does not  
19 require any ingredient labeling on cosmetic products sold  
20 for commercial use, thereby denying any information on  
21 ingredients to beauty care workers.

22 (8) Alternatives to substances that cause cancer or  
23 reproductive toxicity are readily available for use in  
24 cosmetic products. A number of manufacturers, including  
25 both small domestic producers and large multinational  
26 corporations, have eliminated substances that cause cancer

1 or reproductive toxicity from their products.

2 (9) Given (i) the presence of substances in cosmetic  
3 products that cause cancer and reproductive toxicity, (ii)  
4 the heavy use of these products by women of childbearing  
5 age, (iii) the significant exposure to these products in  
6 occupational settings such as nail and beauty salons, (iv)  
7 the adverse impacts of these substances on human health, (v)  
8 the inadequate information about the presence of these  
9 substances in products or the extent of their impacts, and  
10 (vi) the availability of alternatives to the use of these  
11 substances, it is in the interest of the people of this  
12 State to take steps to ensure that cosmetic products sold  
13 and used in the State can be used safely.

14 Section 10. Definitions. In this Act:

15 "Authoritative body" means any agency or formally  
16 organized program or group recognized by the Department as  
17 being authoritative for the purpose of identifying chemicals  
18 that cause cancer or reproductive toxicity.

19 "Chemical identified as causing cancer or reproductive  
20 toxicity" means a chemical identified by the Department or  
21 identified by an authoritative body as any of the following:

22 (1) A substance listed as known or reasonably  
23 anticipated to be a human carcinogen in a national  
24 toxicology report on carcinogens.

25 (2) A substance given an overall carcinogenicity

1 evaluation of Group 1, Group 2A, or Group 2B by the  
2 International Agency for Research on Cancer.

3 (3) A substance identified as a Group A, Group B1, or  
4 Group B2 carcinogen, or as a known or likely carcinogen by  
5 the United States Environmental Protection Agency.

6 (4) A substance identified as having some or clear  
7 evidence of adverse developmental, male reproductive, or  
8 female reproductive toxicity effects in a report by an  
9 expert panel of the National Toxicology Program's Center  
10 for the Evaluation of Risks to Human Reproduction.

11 "Department" means the Department of Public Health.

12 "Ingredient" means any single chemical entity or mixture  
13 used as a component in the manufacture of a cosmetic product.

14 "Ingredient" does not include any incidental ingredient that is  
15 present in a cosmetic at insignificant levels and that has no  
16 technical or functional effect in the cosmetic, including any  
17 of the following:

18 (1) Substances that have no technical or functional  
19 effect in the cosmetic but are present by reason of having  
20 been incorporated into the cosmetic as an ingredient of  
21 another cosmetic ingredient.

22 (2) Processing aids that are substances that are added  
23 to a cosmetic during the processing of the cosmetic but are  
24 removed from the cosmetic in accordance with good  
25 manufacturing practices before it is packaged in its  
26 finished form.

1           (3) Processing aids that are substances that are added  
2           to a cosmetic during processing for their technical or  
3           functional effect in the processing, are converted to  
4           substances the same as constituents of declared  
5           ingredients, and do not significantly increase the  
6           concentration of those constituents.

7           (4) Processing aids that are substances that are added  
8           to a cosmetic during the processing of such cosmetic for  
9           their technical and functional effect in the processing,  
10          but are present in the finished cosmetic at insignificant  
11          levels and do not have any technical or functional effect  
12          in that cosmetic.

13          "Manufacturer" means any person whose name appears on the  
14          label of a cosmetic product pursuant to the requirements of  
15          Section 701.12 of Title 21 of the Code of Federal Regulations.

16          Section 15. Manufacturer's product list required.

17          (a) Beginning January 1, 2008, the manufacturer of any  
18          cosmetic product subject to regulation by the federal Food and  
19          Drug Administration that is sold in this State shall, on a  
20          schedule and in electronic or other format, as determined by  
21          the Department, provide the Department with a complete and  
22          accurate list of its cosmetic products that, as of the date of  
23          submission, are sold in this State and that contain any  
24          ingredient that is a chemical identified as causing cancer or  
25          reproductive toxicity, including any chemical that meets

1 either of the following conditions:

2 (1) A chemical contained in the product for purposes of  
3 fragrance or flavoring.

4 (2) A chemical identified by the phrase "and other  
5 ingredients" and determined to be a trade secret pursuant  
6 to the procedure established in Part 20 and Section 720.8  
7 of Part 720 of Title 21 of the Code of Federal Regulations.

8 (b) Any ingredient identified pursuant to subsection (a)  
9 shall be considered to be a trade secret and shall be treated  
10 by the Department in a manner consistent with the requirements  
11 of Part 20 and Part 720 of Title 21 of the Code of Federal  
12 Regulations. Any ingredients considered to be a trade secret  
13 shall not be subject to the Freedom of Information Act for the  
14 purposes of this Section.

15 (c) Any information submitted pursuant to subsection (a)  
16 shall identify each chemical both by name and Chemical Abstract  
17 Service number and shall specify the product or products in  
18 which the chemical is contained.

19 (d) If an ingredient identified pursuant to this Section is  
20 subsequently removed from the product in which it was contained  
21 or is no longer a chemical identified as causing cancer or  
22 reproductive toxicity by an authoritative body, the  
23 manufacturer of the product containing the ingredient shall  
24 submit the new information to the Department. Upon receipt of  
25 new information, the Department, after verifying the accuracy  
26 of that information, shall revise the manufacturer's

1 information on record with the Department to reflect the new  
2 information. The manufacturer shall not be under obligation to  
3 submit subsequent information on the presence of the ingredient  
4 in the product unless subsequent changes require submittal of  
5 the information.

6 (e) This Section shall not apply to any manufacturer of  
7 cosmetic products with annual aggregate sales of cosmetic  
8 products, both within and outside of Illinois, of less than  
9 \$1,000,000, based on the manufacturer's most recent tax year  
10 filing.

11 Section 20. Investigations.

12 (a) In order to determine potential health effects of  
13 exposure to ingredients in cosmetics sold in the State, the  
14 Department may conduct an investigation of one or more cosmetic  
15 products that contain chemicals identified as causing cancer or  
16 reproductive toxicity or other ingredients of concern to the  
17 Department.

18 (b) An investigation conducted pursuant to this Section may  
19 include, without limitation a review of available health  
20 effects data and studies, worksite health hazard evaluations,  
21 epidemiological studies to determine the health effects of  
22 exposures to chemicals in various subpopulations, and exposure  
23 assessments to determine total exposures to individuals in  
24 various settings.

25 (c) If an investigation is conducted pursuant to this

1 Section, the manufacturer of any product subject to the  
2 investigation may submit relevant health effects data and  
3 studies to the Department.

4 (d) In order to further the purposes of an investigation,  
5 the Department may require manufacturers of products subject to  
6 the investigation to submit to the Department relevant health  
7 effects data and studies available to the manufacturer and  
8 other available information as requested by the Department,  
9 including, but not limited to, the concentration of the  
10 chemical in the product, the amount by volume or weight of the  
11 product that comprises the average daily application or use,  
12 and sales and use data necessary to determine where the product  
13 is used in the occupational setting. The Department shall  
14 establish reasonable deadlines for the submittal of  
15 information required pursuant to this subsection (d). Failure  
16 by a manufacturer to submit the information in compliance with  
17 the requirements of the Department shall constitute a violation  
18 of this Act.

19 Section 25. CIR Panel review; enforcement.

20 (a) The General Assembly finds and declares each of the  
21 following:

22 (1) The Cosmetic Ingredient Review (CIR) Panel is a  
23 nongovernmental body established and funded by the  
24 cosmetics industry to review the safety of cosmetic  
25 ingredients.

1           (2) According to a 2004 analysis of the 2003 CIR  
2           Compendium by the Environmental Working Group, 54 cosmetic  
3           products violate the CIR's own safe use recommendations to  
4           manufacturers by containing an ingredient that the CIR has  
5           found is not safe for the specific use indicated on the  
6           product's label.

7           (3) Federal regulations require every ingredient in a  
8           cosmetic product and every finished cosmetic product to be  
9           adequately substantiated for safety prior to marketing,  
10          and state that any ingredient or product whose safety has  
11          not been adequately substantiated prior to marketing is  
12          misbranded unless it displays a warning statement  
13          declaring, "The safety of this product has not been  
14          determined."

15          (b) The Department may, as early as feasible within  
16          existing resources, determine whether the products identified  
17          in subdivision (2) of subsection (a) have been adequately  
18          substantiated for safety pursuant to Section 740.10 of Title 21  
19          of the Code of Federal Regulations. For any product adequately  
20          substantiated for safety, the Department shall determine if the  
21          product contains any ingredient that the CIR has found is not  
22          safe for the specific use indicated on the product's label.

23          (c) If the Department finds that a product on a  
24          manufacturer's list, which has been submitted to the Department  
25          pursuant to Section 15 of this Act, has been adequately  
26          substantiated for safety despite containing an ingredient that

1 the CIR has found is not safe for the specific use indicated on  
2 the product's label, the Department shall refer its findings to  
3 the Attorney General and the federal Food and Drug  
4 Administration for possible enforcement action pursuant to  
5 this Act and the federal Food, Drug, and Cosmetic Act (21  
6 U.S.C. Sec. 301 et seq.).

7 Section 90. The Freedom of Information Act is amended by  
8 changing Section 7 as follows:

9 (5 ILCS 140/7) (from Ch. 116, par. 207)

10 Sec. 7. Exemptions.

11 (1) The following shall be exempt from inspection and  
12 copying:

13 (a) Information specifically prohibited from  
14 disclosure by federal or State law or rules and regulations  
15 adopted under federal or State law.

16 (b) Information that, if disclosed, would constitute a  
17 clearly unwarranted invasion of personal privacy, unless  
18 the disclosure is consented to in writing by the individual  
19 subjects of the information. The disclosure of information  
20 that bears on the public duties of public employees and  
21 officials shall not be considered an invasion of personal  
22 privacy. Information exempted under this subsection (b)  
23 shall include but is not limited to:

24 (i) files and personal information maintained with

1 respect to clients, patients, residents, students or  
2 other individuals receiving social, medical,  
3 educational, vocational, financial, supervisory or  
4 custodial care or services directly or indirectly from  
5 federal agencies or public bodies;

6 (ii) personnel files and personal information  
7 maintained with respect to employees, appointees or  
8 elected officials of any public body or applicants for  
9 those positions;

10 (iii) files and personal information maintained  
11 with respect to any applicant, registrant or licensee  
12 by any public body cooperating with or engaged in  
13 professional or occupational registration, licensure  
14 or discipline;

15 (iv) information required of any taxpayer in  
16 connection with the assessment or collection of any tax  
17 unless disclosure is otherwise required by State  
18 statute;

19 (v) information revealing the identity of persons  
20 who file complaints with or provide information to  
21 administrative, investigative, law enforcement or  
22 penal agencies; provided, however, that identification  
23 of witnesses to traffic accidents, traffic accident  
24 reports, and rescue reports may be provided by agencies  
25 of local government, except in a case for which a  
26 criminal investigation is ongoing, without

1           constituting a clearly unwarranted per se invasion of  
2           personal privacy under this subsection; and

3                   (vi) the names, addresses, or other personal  
4           information of participants and registrants in park  
5           district, forest preserve district, and conservation  
6           district programs.

7           (c) Records compiled by any public body for  
8           administrative enforcement proceedings and any law  
9           enforcement or correctional agency for law enforcement  
10          purposes or for internal matters of a public body, but only  
11          to the extent that disclosure would:

12                   (i) interfere with pending or actually and  
13          reasonably contemplated law enforcement proceedings  
14          conducted by any law enforcement or correctional  
15          agency;

16                   (ii) interfere with pending administrative  
17          enforcement proceedings conducted by any public body;

18                   (iii) deprive a person of a fair trial or an  
19          impartial hearing;

20                   (iv) unavoidably disclose the identity of a  
21          confidential source or confidential information  
22          furnished only by the confidential source;

23                   (v) disclose unique or specialized investigative  
24          techniques other than those generally used and known or  
25          disclose internal documents of correctional agencies  
26          related to detection, observation or investigation of

1 incidents of crime or misconduct;

2 (vi) constitute an invasion of personal privacy  
3 under subsection (b) of this Section;

4 (vii) endanger the life or physical safety of law  
5 enforcement personnel or any other person; or

6 (viii) obstruct an ongoing criminal investigation.

7 (d) Criminal history record information maintained by  
8 State or local criminal justice agencies, except the  
9 following which shall be open for public inspection and  
10 copying:

11 (i) chronologically maintained arrest information,  
12 such as traditional arrest logs or blotters;

13 (ii) the name of a person in the custody of a law  
14 enforcement agency and the charges for which that  
15 person is being held;

16 (iii) court records that are public;

17 (iv) records that are otherwise available under  
18 State or local law; or

19 (v) records in which the requesting party is the  
20 individual identified, except as provided under part  
21 (vii) of paragraph (c) of subsection (1) of this  
22 Section.

23 "Criminal history record information" means data  
24 identifiable to an individual and consisting of  
25 descriptions or notations of arrests, detentions,  
26 indictments, informations, pre-trial proceedings, trials,

1 or other formal events in the criminal justice system or  
2 descriptions or notations of criminal charges (including  
3 criminal violations of local municipal ordinances) and the  
4 nature of any disposition arising therefrom, including  
5 sentencing, court or correctional supervision,  
6 rehabilitation and release. The term does not apply to  
7 statistical records and reports in which individuals are  
8 not identified and from which their identities are not  
9 ascertainable, or to information that is for criminal  
10 investigative or intelligence purposes.

11 (e) Records that relate to or affect the security of  
12 correctional institutions and detention facilities.

13 (f) Preliminary drafts, notes, recommendations,  
14 memoranda and other records in which opinions are  
15 expressed, or policies or actions are formulated, except  
16 that a specific record or relevant portion of a record  
17 shall not be exempt when the record is publicly cited and  
18 identified by the head of the public body. The exemption  
19 provided in this paragraph (f) extends to all those records  
20 of officers and agencies of the General Assembly that  
21 pertain to the preparation of legislative documents.

22 (g) Trade secrets and commercial or financial  
23 information obtained from a person or business where the  
24 trade secrets or information are proprietary, privileged  
25 or confidential, or where disclosure of the trade secrets  
26 or information may cause competitive harm, including:

1 (i) All information determined to be confidential  
2 under Section 4002 of the Technology Advancement and  
3 Development Act.

4 (ii) All trade secrets and commercial or financial  
5 information obtained by a public body, including a  
6 public pension fund, from a private equity fund or a  
7 privately held company within the investment portfolio  
8 of a private equity fund as a result of either  
9 investing or evaluating a potential investment of  
10 public funds in a private equity fund. The exemption  
11 contained in this item does not apply to the aggregate  
12 financial performance information of a private equity  
13 fund, nor to the identity of the fund's managers or  
14 general partners. The exemption contained in this item  
15 does not apply to the identity of a privately held  
16 company within the investment portfolio of a private  
17 equity fund, unless the disclosure of the identity of a  
18 privately held company may cause competitive harm.

19 Nothing contained in this paragraph (g) shall be construed  
20 to prevent a person or business from consenting to disclosure.

21 (h) Proposals and bids for any contract, grant, or  
22 agreement, including information which if it were  
23 disclosed would frustrate procurement or give an advantage  
24 to any person proposing to enter into a contractor  
25 agreement with the body, until an award or final selection  
26 is made. Information prepared by or for the body in

1 preparation of a bid solicitation shall be exempt until an  
2 award or final selection is made.

3 (i) Valuable formulae, computer geographic systems,  
4 designs, drawings and research data obtained or produced by  
5 any public body when disclosure could reasonably be  
6 expected to produce private gain or public loss. The  
7 exemption for "computer geographic systems" provided in  
8 this paragraph (i) does not extend to requests made by news  
9 media as defined in Section 2 of this Act when the  
10 requested information is not otherwise exempt and the only  
11 purpose of the request is to access and disseminate  
12 information regarding the health, safety, welfare, or  
13 legal rights of the general public.

14 (j) Test questions, scoring keys and other examination  
15 data used to administer an academic examination or  
16 determined the qualifications of an applicant for a license  
17 or employment.

18 (k) Architects' plans, engineers' technical  
19 submissions, and other construction related technical  
20 documents for projects not constructed or developed in  
21 whole or in part with public funds and the same for  
22 projects constructed or developed with public funds, but  
23 only to the extent that disclosure would compromise  
24 security, including but not limited to water treatment  
25 facilities, airport facilities, sport stadiums, convention  
26 centers, and all government owned, operated, or occupied

1 buildings.

2 (l) Library circulation and order records identifying  
3 library users with specific materials.

4 (m) Minutes of meetings of public bodies closed to the  
5 public as provided in the Open Meetings Act until the  
6 public body makes the minutes available to the public under  
7 Section 2.06 of the Open Meetings Act.

8 (n) Communications between a public body and an  
9 attorney or auditor representing the public body that would  
10 not be subject to discovery in litigation, and materials  
11 prepared or compiled by or for a public body in  
12 anticipation of a criminal, civil or administrative  
13 proceeding upon the request of an attorney advising the  
14 public body, and materials prepared or compiled with  
15 respect to internal audits of public bodies.

16 (o) Information received by a primary or secondary  
17 school, college or university under its procedures for the  
18 evaluation of faculty members by their academic peers.

19 (p) Administrative or technical information associated  
20 with automated data processing operations, including but  
21 not limited to software, operating protocols, computer  
22 program abstracts, file layouts, source listings, object  
23 modules, load modules, user guides, documentation  
24 pertaining to all logical and physical design of  
25 computerized systems, employee manuals, and any other  
26 information that, if disclosed, would jeopardize the

1 security of the system or its data or the security of  
2 materials exempt under this Section.

3 (q) Documents or materials relating to collective  
4 negotiating matters between public bodies and their  
5 employees or representatives, except that any final  
6 contract or agreement shall be subject to inspection and  
7 copying.

8 (r) Drafts, notes, recommendations and memoranda  
9 pertaining to the financing and marketing transactions of  
10 the public body. The records of ownership, registration,  
11 transfer, and exchange of municipal debt obligations, and  
12 of persons to whom payment with respect to these  
13 obligations is made.

14 (s) The records, documents and information relating to  
15 real estate purchase negotiations until those negotiations  
16 have been completed or otherwise terminated. With regard to  
17 a parcel involved in a pending or actually and reasonably  
18 contemplated eminent domain proceeding under the Eminent  
19 Domain Act, records, documents and information relating to  
20 that parcel shall be exempt except as may be allowed under  
21 discovery rules adopted by the Illinois Supreme Court. The  
22 records, documents and information relating to a real  
23 estate sale shall be exempt until a sale is consummated.

24 (t) Any and all proprietary information and records  
25 related to the operation of an intergovernmental risk  
26 management association or self-insurance pool or jointly

1 self-administered health and accident cooperative or pool.

2 (u) Information concerning a university's adjudication  
3 of student or employee grievance or disciplinary cases, to  
4 the extent that disclosure would reveal the identity of the  
5 student or employee and information concerning any public  
6 body's adjudication of student or employee grievances or  
7 disciplinary cases, except for the final outcome of the  
8 cases.

9 (v) Course materials or research materials used by  
10 faculty members.

11 (w) Information related solely to the internal  
12 personnel rules and practices of a public body.

13 (x) Information contained in or related to  
14 examination, operating, or condition reports prepared by,  
15 on behalf of, or for the use of a public body responsible  
16 for the regulation or supervision of financial  
17 institutions or insurance companies, unless disclosure is  
18 otherwise required by State law.

19 (y) Information the disclosure of which is restricted  
20 under Section 5-108 of the Public Utilities Act.

21 (z) Manuals or instruction to staff that relate to  
22 establishment or collection of liability for any State tax  
23 or that relate to investigations by a public body to  
24 determine violation of any criminal law.

25 (aa) Applications, related documents, and medical  
26 records received by the Experimental Organ Transplantation

1 Procedures Board and any and all documents or other records  
2 prepared by the Experimental Organ Transplantation  
3 Procedures Board or its staff relating to applications it  
4 has received.

5 (bb) Insurance or self insurance (including any  
6 intergovernmental risk management association or self  
7 insurance pool) claims, loss or risk management  
8 information, records, data, advice or communications.

9 (cc) Information and records held by the Department of  
10 Public Health and its authorized representatives relating  
11 to known or suspected cases of sexually transmissible  
12 disease or any information the disclosure of which is  
13 restricted under the Illinois Sexually Transmissible  
14 Disease Control Act.

15 (dd) Information the disclosure of which is exempted  
16 under Section 30 of the Radon Industry Licensing Act.

17 (ee) Firm performance evaluations under Section 55 of  
18 the Architectural, Engineering, and Land Surveying  
19 Qualifications Based Selection Act.

20 (ff) Security portions of system safety program plans,  
21 investigation reports, surveys, schedules, lists, data, or  
22 information compiled, collected, or prepared by or for the  
23 Regional Transportation Authority under Section 2.11 of  
24 the Regional Transportation Authority Act or the St. Clair  
25 County Transit District under the Bi-State Transit Safety  
26 Act.

1           (gg) Information the disclosure of which is restricted  
2           and exempted under Section 50 of the Illinois Prepaid  
3           Tuition Act.

4           (hh) Information the disclosure of which is exempted  
5           under the State Officials and Employees Ethics Act.

6           (ii) Beginning July 1, 1999, information that would  
7           disclose or might lead to the disclosure of secret or  
8           confidential information, codes, algorithms, programs, or  
9           private keys intended to be used to create electronic or  
10          digital signatures under the Electronic Commerce Security  
11          Act.

12          (jj) Information contained in a local emergency energy  
13          plan submitted to a municipality in accordance with a local  
14          emergency energy plan ordinance that is adopted under  
15          Section 11-21.5-5 of the Illinois Municipal Code.

16          (kk) Information and data concerning the distribution  
17          of surcharge moneys collected and remitted by wireless  
18          carriers under the Wireless Emergency Telephone Safety  
19          Act.

20          (ll) Vulnerability assessments, security measures, and  
21          response policies or plans that are designed to identify,  
22          prevent, or respond to potential attacks upon a community's  
23          population or systems, facilities, or installations, the  
24          destruction or contamination of which would constitute a  
25          clear and present danger to the health or safety of the  
26          community, but only to the extent that disclosure could

1 reasonably be expected to jeopardize the effectiveness of  
2 the measures or the safety of the personnel who implement  
3 them or the public. Information exempt under this item may  
4 include such things as details pertaining to the  
5 mobilization or deployment of personnel or equipment, to  
6 the operation of communication systems or protocols, or to  
7 tactical operations.

8 (mm) Maps and other records regarding the location or  
9 security of a utility's generation, transmission,  
10 distribution, storage, gathering, treatment, or switching  
11 facilities.

12 (nn) Law enforcement officer identification  
13 information or driver identification information compiled  
14 by a law enforcement agency or the Department of  
15 Transportation under Section 11-212 of the Illinois  
16 Vehicle Code.

17 (oo) Records and information provided to a residential  
18 health care facility resident sexual assault and death  
19 review team or the Executive Council under the Abuse  
20 Prevention Review Team Act.

21 (pp) Information provided to the predatory lending  
22 database created pursuant to Article 3 of the Residential  
23 Real Property Disclosure Act, except to the extent  
24 authorized under that Article.

25 (qq) Defense budgets and petitions for certification  
26 of compensation and expenses for court appointed trial

1 counsel as provided under Sections 10 and 15 of the Capital  
2 Crimes Litigation Act. This subsection (qq) shall apply  
3 until the conclusion of the trial of the case, even if the  
4 prosecution chooses not to pursue the death penalty prior  
5 to trial or sentencing.

6 (rr) Information submitted to the Department of Public  
7 Health pursuant to Section 15 of the Safe Cosmetics Act  
8 concerning cosmetic ingredients considered to be a trade  
9 secret.

10 (2) This Section does not authorize withholding of  
11 information or limit the availability of records to the public,  
12 except as stated in this Section or otherwise provided in this  
13 Act.

14 (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,  
15 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;  
16 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.  
17 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff.  
18 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised  
19 8-3-06.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.